



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

MEETING DATE February 5, 2016 LOCAL EFFECTIVE DATE February 20, 2016 APPROX. FINAL EFFECTIVE DATE March 14, 2016	CONTACT/PHONE Brandi Cummings, Project Manager (805) 781-1006 bcummings@co.slo.ca.us	APPLICANT Clint Nicholson	FILE NO. DRC2015-00062
SUBJECT A request by CLINT NICHOLSON for a Minor Use Permit/Coastal Development Permit (DRC2015-00062) to allow for the construction of farm support quarters (2,421 square-feet) on prime-soils. The proposed project will result in the disturbance of approximately 2,500 square-feet on a 23 acre parcel in the Agriculture land use category. The project site is located at 2268 Little Morro Creek Road, approximately 2.5 miles northeast of the City of Morro Bay. The site is located in the Estero planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2015-00062 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A Class 3 Categorical Exemption was issued on December 22, 2015 (ED15-146)			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION Coastal Zone, Coastal Zone Creek or Stream, Flood Hazard, Geologic Study Area	ASSESSOR PARCEL NUMBER 073-031-038	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: Light and Glare, Agriculture <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Non-Agricultural Uses in the Agriculture Land Use Category, Setbacks <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</small>			

EXISTING USES: Primary ranch residence, barns, horse arena, cattle corrals	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture/grazing <i>East:</i> Agriculture/grazing <i>South:</i> Agriculture/grazing <i>West:</i> Agriculture/grazing	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Building Division, Cal Fire, Coastal Commission	
TOPOGRAPHY: Moderate to steep slopes	VEGETATION: Grasses, oak trees
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: Cal Fire	ACCEPTANCE DATE: December 11, 2015

DISCUSSION

The proposed project is a request for a farm support quarters (2,421 square-feet) located on prime agricultural soils within the coastal zone. Site disturbance is estimated to be approximately 2,500 square-feet on a 23 acre parcel in the Agriculture land use category.

ESTERO PLANNING AREA STANDARDS

Areawide Standards

Light and Glare

At time of application for land use permits, the applicant shall provide details on any proposed exterior lighting. Except as necessary to support agricultural operations, all lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Staff comments: This project is conditioned to comply with all lighting standards.

Rural Area Standards

Agriculture

The intent of this standard is to limit uses to those that are most directly related to agricultural production on lands that support the most intensive farming operations. Allowable uses are limited to: agricultural accessory structures; animal raising and keeping; crop production and grazing; nursery specialties soil dependent; coastal accessways; farm support quarters; home occupations; mobile homes; residential accessory uses; single family dwellings consistent with the protection of agriculture; temporary dwelling; water wells and impoundments; pipelines and transmission lines; public utility facilities.

Staff comments: The proposed project complies with this standard as it is a single family dwelling to be used as farm support quarters and is consistent with the protection of agriculture as it will support the onsite cattle grazing operation.

LAND USE ORDINANCE STANDARDS

Section 23.07.120: Local Coastal Program

The project site is located within the California Coastal Zone as established by the California Coastal Act of 1976, and is subject to the provisions of the Local Coastal Program.

Section 23.01.043c.(3)(i): Appeals to the Coastal Commission (Coastal Appealable Zone)

The project is appealable to the Coastal Commission because the proposed use is not listed in Coastal Table O, Part 1 of the Land Use Element as a Principal Permitted (P) Use, and the proposed project is located within 100 feet of a coastal creek or stream. When located on prime soils, farm support housing is considered a Special (S) use.

Section 23.040.050: Non-Agricultural Uses in the Agriculture Land Use Category

Siting of Structures

A single-family dwelling and any agricultural accessory buildings supporting the agricultural use shall, where feasible, be located on other than prime soils and shall incorporate mitigation measure necessary to reduce negative impacts on adjacent agricultural uses.

Staff comments: The farm support quarters are proposed to be located on prime soils. A majority of the parcel is designated as prime soils (if irrigated), and the remainder of the parcel is either located within the Flood Hazard combining designation, or is located on slopes of 20 percent or greater. The proposed location of the farm support quarters is fairly level, and will not require significant site disturbance or grading when compared to other locations on the parcel not designated as prime soils.

The level area where the house is proposed is relatively small in size and is not currently and has not historically been used for irrigated crops. Locating the house off of prime soils will require extensively more grading, site disturbance, trenching for utilities, and drilling of a new domestic well, all of which will impact the cattle grazing operation. The proposed farm support housing will be in support of, and will not adversely impact, the adjacent agricultural uses.

Section 23.04.100: Setbacks

The front setback shall be a minimum of 25 feet; the side setbacks shall be a minimum of 30 feet, and the rear setback shall be a minimum of 30 feet.

Staff comments: The proposed project complies with these standards. The front setback is established from Little Morro Creek Road, and the proposed residence is approximately 330' from this setback. The right side setback is proposed at approximately 225 feet. The left side setback is approximately 400 feet from the property line. The rear setback is proposed at approximately 200 feet.

Section 23.04.120: Heights

The maximum height allowed is 35 feet from average natural grade.

Staff comments: The proposed residence is a single-story residence and will not exceed 35 feet in height.

Section 23.04.160: Parking and Loading

Two off-street parking spaces are required for each single-family dwelling.

Staff comments: The proposed project complies with this standard.

Section 23.05.040: Drainage

Drainage plans shall be submitted with or be made part any land use, building, or grading permit application for a project that is located within a Flood Hazard combining designation.

Staff comments: The proposed project is within a drainage review area due to its location within a Flood Hazard area. A drainage plan is required and will be reviewed at the time of construction permit application. The project is conditioned to comply with this standard.

Section 23.07.060: Flood Hazard Area

These standards are intended to minimize the effects of development on drainage ways and watercourses, and to evaluate potential hazards to new development. Drainage plan approval is required where any portion of the site is located within a Flood Hazard combining designation.

Staff comments: A drainage plan is required and will be reviewed at the time of construction permit application. The project is conditioned to comply with this standard.

Section 23.07.080: Geologic Study Area (GSA)

The GSA designation is applied to areas where geologic and soil conditions could present new development and their users with potential hazards to life and property. These standards apply to areas in earthquake fault zones, along coastal bluffs, rural areas of high landslide risk, and areas subject to high liquefaction.

Staff comments: The proposed project is within the GSA combining designation. The project site is at a low potential for landslide, and a moderate potential for liquefaction. These standards do not apply to this project, because one single-family residence, not exceeding two stories, is exempt when not subject to high liquefaction or landslide risk.

Section 23.07.174: Streams

The provisions of this section are intended to preserve and protect the natural hydrological system and ecological function of coastal streams. Development adjacent to a coastal stream shall be sited and designed to protect the habitat of the stream.

Staff comments: The residence as proposed would be located approximately 88 feet from a distributary stream off the main stem of Little Morro Creek and approximately 200 feet from Little Morro Creek. The applicant is not proposing to alter or divert or construct in either stream channel. The project is conditioned to protect the streams during construction and ground disturbing activities from sedimentation and other debris. The conditions of approval require the applicant to submit a revised site plan to relocate the residence 100 feet from the upland edge of the distributary stream riparian vegetation to comply with this ordinance section.

Section 23.08.167: Residential Uses in the Agriculture Category

Dwellings in the Agriculture land use category are allowed as accessory uses on the same site as agricultural uses, and are limited to primary housing and farm support quarters. Primary housing and farm support quarters shall not be located on prime agricultural soils unless there is no other building site on the ownership that is all of the following: (1) on other than prime soils, (2) on less than 20 percent slopes, and (3) not within a designated Flood Hazard combining designation.

Farm support quarters are allowable when the housing is in direct support of existing agricultural production activities on lands owned or leased by the farm housing owner. The number of allowed residences is based on the density table in subsection (5) of this section.

Staff comments: The farm support quarters are proposed to be located on prime soils. A majority of the parcel is designated as prime soils, and the remainder of the parcel is either located within the Flood Hazard designation, or is located on slopes of 20 percent and greater. The proposed location of the farm support quarters is fairly level, and will not require significant site disturbance when compared to other locations that are steep slopes but not designated as prime soils.

The agricultural use of the property consists of cattle grazing, and there is no irrigated agriculture on site. According to the density table in subsection (5), the allowed number of residences is one dwelling per 320 acres for grazing uses. The project parcel is approximately 23.32 acres. The applicant also owns three adjacent agriculture parcels to the east and two further north in Adelaida, totaling approximately 1,200 acres.

The project parcel is developed with a primary residence (the main ranch house), a barn, a workshop, a horse arena, and various cattle corrals. The parcel to the immediate east also contains a residence approved as a farm support quarters because of Williamson Act restrictions on residential density for contracted lands. None of the other parcels are developed with residences.

The subject parcel, the landowner's adjacent parcels and an additional ranch that is not adjacent but in the general vicinity are under Williamson Act land conservation contracts. The Rules of Procedure to Implement the California Land Conservation Act of 1965 limits residential density on contracted property to one single family residence per contract regardless of the number of legal parcels within the contract. The property under this contract (Contract Resolution Number: 75-177; APNs: 073-031-011, 038 & 039; 073-041-031) currently has one primary residence (the original ranch house) and as noted above, a recently constructed farm support quarters on an adjacent parcel. This contract is at maximum density. However, the ordinance allows additional farm support quarters when it is "...for farm help or a caretaker employed on land in the same ownership as the housing." The farm support quarters being requested with this minor use permit is to provide housing for farm help/ranch management on the landowner's other ranch (Contract Resolution Number: 75-170; APNs: 046-021-013 & 046-031-029). A farm support quarters agreement, required as a condition of approval will stipulate that this farm support quarters (the second farm support quarters on this ranch) is tied to the other ranch.

COASTAL PLAN POLICIES

Shoreline Access: N/A

Recreation and Visitor Serving: N/A

Energy and Industrial Development: N/A

Commercial Fishing, Recreational Boating and Port Facilities: N/A

Environmentally Sensitive Habitats: N/A

Agriculture: ☒ Policy No(s): 1, 3, and 4

Public Works: N/A

Coastal Watersheds: ☒ Policy No(s): 8, 9, 10, and 11

Visual and Scenic Resources: N/A

Hazards: N/A

Archeology: N/A
Air Quality: N/A

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned.

COASTAL PLAN POLICY DISCUSSION

Agriculture

Policy 1: Maintaining Agricultural Lands. *The proposed project is consistent with this policy because the area proposed for the project, though located on prime soils, cannot feasibly be used for irrigated agriculture due to its limited size. Locating the project elsewhere on the site would require placement on slopes greater than 20 percent, and would require significant grading and site disturbance that would impact the cattle grazing operation to a greater extent.*

Policy 3: Non-Agricultural Uses. *The farm support quarters is proposed to be located on prime soils. A majority of the parcel is designated as prime soils, and the remainder of the parcel is either located within the Flood Hazard designation, or is located on slopes of 20 percent and greater. The proposed location of the farm support quarters is fairly level, and will not require significant site disturbance when compared to other locations that are steep slopes but not designated as prime soils. The site is currently seldom used for agriculture, due to its location and relatively small size.*

Policy 4: Siting of Structures. *The farm support quarters is proposed to be located on prime soils. A majority of the parcel is designated as prime soils, and the remainder of the parcel is either located within the Flood Hazard designation, or is located on slopes of 20 percent or greater. The proposed location of the farm support quarters is fairly level, and will not require significant site disturbance when compared to other locations that have steep slopes but are not designated as prime soils. The building site is never been used for irrigated agriculture, due to its location and relatively small size.*

Coastal Watersheds:

Policy 8: Timing of Construction and Grading. *The proposed project is conditioned to comply with this policy as the project shall have an erosion and sedimentation control plan where grading is conducted or left in an unfinished state during the period from October 15 through April 15.*

Policy 9: Techniques for Minimizing Sedimentation. *The proposed project is conditioned to comply with this policy as the applicant shall apply Best Management Practices in the selection and implementation of site maintenance.*

Policy 10: Drainage Provisions. *The proposed project is conditioned to comply with this policy as the applicant shall provide a drainage plan to San Luis Obispo County Public Works Department for review and approval, and shall implement the approved drainage plan, showing that construction of the guesthouse and garage will not increase erosion or runoff.*

Policy 11: Preserving Groundwater Recharge. *The proposed project is consistent with this policy as the project shall retain groundwater on-site to the extent feasible.*

AGENCY REVIEW

Public Works – Per attached referral response (Tomlinson, December 4, 2015), a drainage plan will be required at time of application for a construction permit.

Building Division – Per attached referral response (Stoker, December 1, 2015), project shall comply with all applicable building codes.

Cal Fire – See attached Fire Safety Plan (Bullard, December 5, 2015).

California Coastal Commission – No Response.

LEGAL LOT STATUS

The one existing lot is Lot 1 and the Northeast quarter of the Northwest quarter of Section 21, in Township 29 South, Range 11 East, Mount Diablo Base and Meridian. The legal status was verified by certificate of compliance (SUB2008-00102).

Staff report prepared by Brandi Cummings and reviewed by Terry Wahler & Airlin Singewald.